

REMARKS / ARGUMENTS

Claims 36 and 43-47 are pending. Claim 46 has been amended thus correcting the –prior Amendment, deemed non-Compliant. No new matter has been added.

As previously stated, claims 36 and 43-47 have been rejected under 35 U.S.C. §102(a), or in the alternative, 35 U.S.C. §103(a) as being unpatentable over Davies et al. (USP 6,536,427 referred to as Davies). Applicants respectfully traverse each and every aspect of this rejection. As to the rejection of claims 36 and 43-47, Applicant notes that there is no teaching, suggestion or motivation in Davies to make the claimed invention. Davies does not disclose a method of coiling a medicament carrier in preparation for loading the coiled medicament carrier into a housing, as claimed in claim 36, but merely a device which has already been assembled into a final product.

In the Office Action, the Office suggests that Davies teaches the use of Applicant's claimed invention in shown in Figures 21 to 24 and described in column 10, line 36 to column 11, line 1. In this specific passage, it is disclosed that the medicament dispenser can comprise a cassette and in reference to the medicament carrier. The dry powder inhaler (DPI) of Figures 21 to 24 has a body 610 defining a substantially circular chamber 611 in which a flexible, medicament powder-containing strip 601 is located. The strip 601 comprises of base and lid sheets which are able to be peeled apart to open powder-containing pockets in the base sheet. As described at column 10, lines 46-48 of Davies:

"Flexible strip 601 is provided in the chamber 611, the main part of the strip being initially coiled up around the internal wall of the chamber."
(emphasis added).

This is shown clearly in Figure 22, wherein strip 601 is indicated by the chain-dot line. Further, as detailed in Davies at column 10, lines 57-58:

"The front end of the strip 601 is fixed in the base and lid winding wheel 614."

Thus, the peeled portion of the strip is coiled around the winding wheel in use of the DPI. Upstream of the winding wheel 614, the strip 601 is engaged by an index wheel 613 having grooves 615 to engage the strip pockets. A manifold 616 is disposed adjacent the index wheel 613 and the strip is peeled apart immediately upstream of the manifold such that the lid sheet passes over a roller 620 to the rear of the manifold 616 whilst the base sheet is carried under the manifold 616 by the index wheel.

Thus, when the DPI is operated, a fresh powder-containing pocket of the base sheet is peeled open and presented to the manifold 616 while the lid sheet travels around the manifold 616 on the roller 620. The base and lid sheets are then recombined downstream and mangled between a lid gripper wheel 618 and the index wheel 613 and ultimately wound up on the winding wheel 614 in operation of the DPI.

With the above in mind, when the DPI is operated, through movement of an operating lever 624 (Fig. 24), the index wheel 613 is rotated which in turn causes rotation of the winding wheel 614 through inter-meshing teeth (Fig. 23). This results in the strip 601 being advanced and a fresh pocket on the base sheet being peeled open and presented to the manifold 616 for inhalation by a patient through a mouthpiece 620. Moreover, the strip advancement results in the winding wheel 614 winding up a corresponding amount of strip 601 (i.e. both the lid and base sheets, unlike other embodiments in Davies where the lid and base sheets are wound up on separate winding wheels).

An important point to note is that the winding up action for the strip 601 disclosed in connection with the DPI of Figures 21-24 of Davies is during operation of the DPI.

Thus, comparing the disclosure of the DPI of Figures 21-24 with claim 36, a number of differences are clearly evident. Claim 36 concerns a method of coiling a medicament carrier in preparation for loading the coiled medicament carrier into a medicament dispenser housing. However, the coiling of the strip 601 on winding wheel 614 in Davies occurs in use of the DPI. This is not a preparatory step for loading the strip 601 into the body 610. Moreover, there is no disclosure or suggestion of how the strip adopts its initial coiled state described in Davies at col. 10, lines 46-48.

Further, claim 36 requires that the coil be formed on a spindle by rotating the spindle while moving BOTH the spindle and the carrier in a common lateral sense. This is not disclosed or suggested in Davies, even when one considers the winding wheel 614 on which the strip 601 is coiled up in use of the DPI.

Thus, there is no anticipatory disclosure in Davies of the method of claim 36. Moreover, as there is no discussion or suggestion of how the strip 601 should be coiled in preparation for loading into the DPI, Davies cannot render claim 36 obvious.

As claim 36 is novel and inventive, so too are the remaining claims by dependency. The Applicant reserves the right to argue for separate patentability of the dependent claims, if the need ever arises.

Applicant asserts that the application is in a condition for allowance, and prompt issuance of a Notice of Allowance is hereby requested.

Should any minor issues remain that preclude issuance of a Notice of Allowance, The Examiner is invited to contact the undersigned at (919) 483-9995.

Respectfully submitted,

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